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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION**

Trevor Kelley,

Plaintiff,

v.

Carter's Retail,

Defendant.

Case No.: 2:17-cv-00597-DS

**PLAINTIFF'S MOTION TO DISMISS
WITH PREJUDICE**

Assigned to Honorable David Sam

Plaintiff, Trevor Kelley, by and through undersigned counsel, hereby submits its Motion, pursuant to Federal Rule of Civil Procedure 41 (a)(1)(A)(i) and DUCivR 54-1(b) and (d), Plaintiff respectfully requests this Court dismiss this Action with prejudice.

RESPECTFULLY submitted on this 19th day of September, 2017.

/s/ James K. Ord, III
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CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of September 2017, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF system for filing and transmittal of a Notice of Electronic filing to be served upon all e-filing counsel of record as follows:

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/s/ Lisa Stamper*

(* I certify that I have the signed original of this document
which is available for inspection during normal business
hours by the Court or a party to this action)